

Message Text

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E.O. 11652: N/A
SUBJECT: HEW AGREEMENT

REF: USICA 02105

1. DISCUSSION OF DEPARTMENT SUGGESTIONS CONTAINED REFTEL WITH FONMIN ON APRIL 19 PRODUCED NARROWING OF AREAS OF DIFFERENCE.
2. FONMIN AGREES THAT MEMORANDUM OF UNDERSTANDING BETTER FORM FOR THIS SINCE WORD AGREEMENT (ACCORDO) WOULD INVOLVE TIME-CONSUMING FORMALITIES. NOTE HEALTH AGREEMENT ALREADY DONE BY MEMO OF UNDERSTANDING.
3. IN ARTICLE II, TWO MINOR CHANGES PROPOSED BY MINED AS FOLLOWS: IN 1, B BEGIN: FACILITATE EXCHANGE OF INFORMATION AND LINKAGES BETWEEN ETC; IN 2, READ EMPHASIZE THE STUDY AND TEACHING OF EACH OTHER'S LANGUAGE AND CULTURE ETC.

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4. IN ARTICLE III, FONMIN NOTES ABSENCE OF DEPARTMENT OF STATE AS EXECUTIVE AGENCY AND SAYS THAT IF FONMIN INVOLVED DEPARTMENT MUST BE. WOULD READ: SHALL BE THE DEPARTMENT OF HEW, THE DEPARTMENT OF STATE, AND THE INTERNATIONAL COMMUNICATION AGENCY.
5. IN ARTICLE IV, FOR BALANCE, THEY NOTE THAT SECTION 2

MIGHT BETTER BEGIN BY SPECIFYING REPETITION OF EARLIER STATEMENT, AS FOLLOWS: AS SPECIFIED IN ARTICLE I, SECTION C, THESE ACTIVITIES ETC.

6. ARTICLE III THE NUMB. WE PRESENTED TWO-SECTION DRAFT AS FOLLOWS: QUOTE 1. THE EXECUTIVE AGENCIES WHICH WILL BE RESPONSIBLE FOR FULFILLING THE TERMS OF THIS AGREEMENT FOR THE UNITED STATES OF AMERICAN SHALL BE THE DEPARTMENT OF HEALTH, EDUCATION AND WELFARE AND THE INTERNATIONAL COMMUNICATION AGENCY. THE EXECUTIVE AGENCIES FOR THE REPUBLIC OF ITALY WILL BE THE MINISTRY OF PUBLIC INSTRUCTION AND THE MINISTRY OF FOREIGN AFFAIRS. 2. THE REPRESENTATIVES OF THESE AGENCIES WILL MEET PERIODICALLY TO REVIEW THE IMPLEMENTATION OF EXCHANGES AND COOPERATION AND TO DEVELOP SPECIFIC PROGRAMS OF EXCHANGES. AT THESE MEETINGS THEY WILL ALSO EXCHANGE VIEWS ON THE STATUS OF EDUCATIONAL AND CULTURAL EXCHANGES BETWEEN THE TWO COUNTRIES. THE PREPARATION OF SUCH MEETINGS, THEIR TIMING AND THEIR AGENDAS, WILL BE ESTABLISHED THROUGH DIPLOMATIC CHANNELS UMBQUOTE. FONMIN DISAPPOINTED WE NOT AGREEABLE TO PHRASE ABOUT A FUTURE BROADER AGREEMENT WHICH WOULD ENCOMPASS THIS ONE, BUT WE ARGUED THAT SUCH LANGUAGE WOULD REQUIRE THE APPROVAL OF A VARIETY OF WASHINGTON ELEMENTS WHICH THERE WOULD BE NO TIME TO GET. APPARENTLY ACCEPTING THIS LOGIC, THEY PROPOSE TWO LEVELS OF CHANGE TO THE SECOND SENTENCE IN LIMITED OFFICIAL USE

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ARTICLE III, SECTION 2, BOTH OF WHICH THEY WOULD PREFER BUT THE SEV ND OF WHICH, IN OUR JUDGMENT, MIGHT BE NEGOTIABLE. FIRST CHANGE, SENTENCE TO READ: AT THESE MEETINGS, THEY WILL ALSO EXCHANGE VIEWS ON THE STATUS OF EDUCATIONAL, SCIENTIFIC (ADDITION), AND CULTURAL COOPERATION (INSTEAD OF EXCHANGE) BETWEEN THE TWO COUNTRIES. SECOND CHANGE WOULD BE TO INSERT PARENTHETICAL PHRASE AFTER MEETINGS, TO READ: AT THESE MEETINGS, WHICH MAY INCLUDE REPRESENTATIVES OF OTHER INTERESTED ORGANIZATIONS AS APPROPRIATE, THEY WILL ETC.

7. FYI, DURING LENGTHY ABSENCE OF PRINCIPALS FROM ROOM DURING THIS DISCUSSION, CAO HAD LONG DISCUSSION WITH LOWER-LEVEL FONMIN CULTURAL COUNSELOR DIAZ. DIAZ HAS BEEN HANDLING FONMIN CULTURAL SIDE OF OUR EFFORTS TO HAVE U.S. EDUCATIONAL AND CULTURAL INSTITUTIONS INSIDE ITALY INCLUDED IN THE NEGOTIATIONS FOR THE DOUBLE TAXATION TREATY NOW UNDERWAY. U.S. POSITION: SEEK EXEMPT STATUS FOR ALL U.S. INSTITUTIONS WHICH MEET IRS REQUIREMENTS FOR TAX-EXEMPTION IN U.S. HE SAID THIS PRESENTS PROBLEMS TO ITALIANS, WHO HAVE NO COMPARABLE EXEMPTION SYSTEM, THOUGH ALL ADMIT IT WOULD BE DESIRABLE. IN THE COURSE OF THIS

DISCUSSION, DIAZ OPINED THAT OUR POSITION, WHICH HE CONSIDERS LEGITIMATE BUT DIFFICULT IN THE DOUBLE-TAXATION FRAMEWORK, WOULD PRESENT NO PROBLEM IF WRITTEN INTO THE FRAMEWORK OF A CULTURAL TREATY. THIS FIRST INDICATION WE HAVE THAT THIS ELEMENT MIGHT BE INCLUDED IN A PROSPECTIVE CULTURAL TREATY. WHILE THIS WILL NOT CHANGE OUR APPROACH TO THE DOUBLE-TAXATION NEGOTIATION, IT ENHANCES CONSIDERABLY, IF TRUE, THE POSSIBLE ADVANTAGES OF A CULTURAL TREATY.

8. IN ANY CASE IT IS CLEAR THAT THE DISCUSSION OF ARTICLE III IS DIRECTLY LINKED TO PROPOSED CULTURAL TREATY DISCUSSION. WE SUSPECT IT WOULD HELP NAIL DOWN THE LANGUAGE OF THE HEW AGREEMENT AT THIS TIME IF WE LIMITED OFFICIAL USE

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COULD GIVE FONMIN SOME INDICATION OF POSITIVE ATTITUDES TOWARDS A CULTURAL TREATY, AS THE NEXT STEP.

9. SCI ATTACHE SERWER SUGGESTS THAT BODO BARTOCHA, NSF, BE INCLUDED IN THIS DISCUSSION. SHIRLEY

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